THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 20974 OF 2005

Between:

K. Pandu Ranga s/o K.Yadagiri,
Chikkadapalli, Hyderabad.

… Petitioner

And:

The Administrator General of Andhra Pradesh
High Court Buildings, Hyderabad and others.

… Respondents

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ORAL ORDER:

The proceedings of the 1st respondent dated 25.6.2005 in CA No. 142 of 2003 are impeached in this writ petition by the petitioner, the son of one late K. Yadagiri.

Yadagiri was an employee of the VST Industry. The Government having constructed certain house under a subsidized industrial housing scheme evolved a policy to allot them to certain individuals on hire purchase basis. Under the said scheme occupants of the houses constructed in that scheme as on a specified date are entitled to the benefit of a hire purchase system. Yadagiri was in possession of house bearing No. SRT 49 in Industrial Housing Colony, Chikkadapalli, Hyderabad and applied for the benefits under the scheme. The Commissioner of Labour, Hyderabad – the 2nd respondent, issued an order allotting the house to Yadagiri. This was in 1974. Yadagiri paid certain installments and in response to a demand notice dated 6.6.2001, he paid a further amount of Rs.43.956/- towards dues and cost of excess land by Treasury Challan No. 14331, dt 14.2.2002.

On behalf of Yadagiri the amount of Rs. 43.956/- was paid by one G. Mallesh and one G.Muralikrishna intimated the payment of the above amount (by G.Mallesh on behalf of

Yadagiri), to the 2nd respondent by a letter dated 19.2.2002 along with an application on behalf of Yadagiri requesting that further proceedings be taken by the 2nd respondent. During his life time, Yadagiri also represented to the 2nd respondent to register the quarter in his name.

Yadagiri died on 3.3.2002 and thereafter the petitioner, his son, applied to the 1st respondent for grant of a Letter of Administration u/Sec. 29 of the Administrator General Act, 1953, in respect of the assets of Yadagiri, in particular for transfer of SRT 49, Industrial Housing Colony, Chikkadapalli, Hyderabad, in his favour. The 1st respondent entertaining an apprehension that G. Muralikrishna might have a rival claim to the quarter in view of Mularikrishna's letter dated 19.2.2002, directed the petitioner to seek a clarification from the Comissiner of Labour with regard to the name of G.Muralikrishna in the letter dated 19.2.2002. On the ground that the petitioner failed to get such clarification and declining to entertain the petitioner's application for examining G. Muralikrishna to clarify the doubt entertained by the 1st respondent, the 1st respondent dismissed CA No. 142/03 filed by the petitioner.

The 2nd respondent has filed a counter affidavit admitting substantially all the assertions in the writ petition – that Yadagiri was the original allottee and that the amount of Rs.43,956/- was paid by G.Mallesh on behalf of Yadagiri and this was intimated by G. Muralikrishna in his letter dt 19.2.2002 on behalf of Yadagiri.

In the light of the counter affidavit filed on behalf of the 2nd respondent it is clear that the letter addressed by G. Muralikrishna dated 19.2.2002 to the 2nd respondent was on behalf of the Yadagiri. If it is established that the petitioner is

the son of late K. Yadagiri and that under law he is entitled to the Letter of Administration in respect of the assets of Yadagiri, he should be entitled to grant of relief and an appropriate order by the 1st respondent.

In the light of the chronology of events adverted to above, the impugned order of the 1st respondent dated 25.6.2005 dismissing CA No.142/03 is unsustainable and is accordingly declared and quashed. The 1st respondent is directed to expeditiously, in any case within a period of two months from the date of receipt of a copy of this order, adjudicate upon the petitioner's application - CA No. 142/03, and pass an order on merits in accordance with law. In view of the fact that the counter affidavit filed on behalf of the 2nd respondent clearly and categorically states that the letter of G. Muralikrishna dated 19.2.2002 was on behalf of K. Yadagiri, the 1st respondent shall eschew any lingering doubt as to whether G. Muralikrishna is a rival claimant to Qr. No. SRT 49, Industrial Housing Colony, Chikkadapalli, Hyderabad.

The writ petition is allowed as above. No order as to costs.

Dated: 27.07.2006 ----------
Pvsn Justice G. Raghuram